

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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TAMARA JONES,

Plaintiff,

v.

DEPARTMENT OF VETERAN AFFAIRS  
MILWAUKEE FIDUCIARY HUB, et al.,

Defendants.

Case No. 2:21-cv-00311-APG-EJY

**ORDER**

Before the Court are Defendants' Motion to Stay Discovery and to Defer Submission of Discovery Plan (ECF No. 33), Plaintiff's Motion for Sanction (ECF No. 34), and Plaintiff's Discovery Plan and Scheduling Order (ECF No. 35). Defendants ask the Court to stay discovery and defer the deadline for submitting a discovery plan and scheduling order pending the consideration of their Motion to Dismiss (ECF No. 27). Defendants' Motion to Stay Discovery is unopposed.

The Court has inherent power to manage proceedings by ordering a stay of discovery. *Bacon v. Reyes*, Case No. 2:12-cv-01222-JCM, 2013 WL 5522263, at \*5 (D. Nev. Oct. 3, 2013). Under LR 7-2(d), the failure of an opposing party to file points and authorities in response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees, constitutes a consent to the granting of the motion. Further, a motion to stay discovery, while far from automatic, is appropriate when there is no need for further exploration of facts, and issues before the Court in a motion are questions of law the outcome of which are potentially case dispositive. *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011). A "preliminary peek" of Defendants' Motion for a Stay of Discovery (ECF No. 33) shows that the Motion to Dismiss is potentially dispositive. *Tradebay*, 278 F.R.D. at 603. All other factors also support a stay. See ECF No. 33 at 4.

Accordingly, IT IS HEREBY ORDERED that the Motion to Stay Discovery and Defer Submission of Discovery Plan (ECF No. 33) is GRANTED.

1 IT IS FURTHER ORDERED that Plaintiff's Motion for Sanctions (ECF No. 34) and  
2 Discovery Plan and Scheduling Order (ECF No. 35) are DENIED.

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4 Dated this 9th day of December, 2021.

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7 ELAYNA J. YOUCHAH  
8 UNITED STATES MAGISTRATE JUDGE  
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